

INDIANA DEPARTMENT OF CHILD SERVICES ADMINISTRATIVE POLICIES AND PROCEDURES		
Policy Number: HR-2-2	Effective Date: July 1, 2005	Version: 1.0
POLICY TITLE: BACKGROUND CHECKS		
OVERVIEW: Both Federal and Indiana Code require DCS to perform various background checks on all prospective employees. The number and type of checks will be dependent upon the nature of the work duties to be performed. Additionally, the law requires dismissal of any employee who is convicted of a crime outlined in section III-g of this policy.		

I. DEFINITIONS

- a. Background check: A compilation of any or all of the following checks: Court Records Check, Criminal History Check, Driver's License Check, Educational Verification, Employment Verification, Federal Criminal History Database Check, License Verification, Reference Check, Sex Offender Registry Check, and Tax Payment Check.
- b. Court Records Check: Review of the civil and criminal court records in jurisdictions where the applicant has lived or worked.
- c. Criminal History check: Review of any arrest(s) or criminal conviction(s) in the state of Indiana.
- d. Driver's License History Check: Review of the applicant's driving record.
- e. Federal Criminal History Records Information (FCHRI) Check: Review of a nationwide criminal history database.
- f. Educational Verification: Verification of the educational credentials on the application/resume.
- g. Employment Verification: Verification of all positions listed on the application/resume and all employment during a period of at least seven years immediately preceding application.
- h. License Verification: Verification of all the licenses listed on application/resume or otherwise necessary for position. Also determines the disposition of any proceedings against the license(s).
- i. Reference Check: Contacting the references provided by the applicant.
- j. Sex and Violent Offender Registry. Review to ensure that the applicant has not been convicted of certain sex and violent crimes in the State of Indiana.
- k. Tax Payment Check: Review through the Indiana Department of Revenue to ensure that an applicant is current in payment of state taxes.

II. REFERENCES

- a. [IC 4-13-2-14.7](#)
- b. [IC 35-42-4](#)
- c. [IC 35-46-1-3](#)
- d. [IC 31-9-2-29.7](#)
- e. [IC 10-13-3: Criminal History Information](#)
- f. [31 IAC 2-6-3: Merit Employees](#)
- g. [15 U.S.C. § 1681 et seq: Federal Fair Credit Reporting Act](#)

III. POLICY

- a. All offers of employment will be contingent upon the satisfactory completion of required background checks.
- b. All persons conditionally offered employment or who are appointed to state positions are subject to Employment Verification, Educational Verification, any required licensure verification, and a Driver's License History Check (if the position requires possession of a valid driver's license.)
- c. In addition to the above required checks, all persons accepting offers of Executive level employment or for any of the positions listed below shall be subject to a FCHRI Check and a Sex and Violent Offender Registry Check:
 - i. Positions that have contact with, care of, or supervision over a person less than eighteen (18) years of age.
 - ii. Positions that have access to or supervision over state financial or personnel data, including state warrants, banking codes, or payroll information pertaining to state employees.
- d. The DCS Director is also subject to a Driver's License Record Check, Credit History Check, and Verification of Tax Payment.
- e. A Credit History Check may be used only where there is a business necessity. The agency may not discriminate against an applicant or employee because of bankruptcy, nor can an employee be discharged for garnishment proceedings.
- f. DCS prohibits hiring, contracting or offering volunteer work to individuals that possess criminal convictions that are listed under applicable statutes (see III-g) or where there is a nexus (relationship) between the crime committed and the prospective job. Example: a crime involving domestic or family violence as defined in [IC 31-9-2-29.5](#)
- g. In accordance with Indiana Code, a DCS employee shall be dismissed if he/she is or has ever been convicted of any of the following:
 - i. Rape, if the victim is less than 18 years of age.
 - ii. Criminal deviate conduct, if the victim is less than 18 years of age.
 - iii. Child molesting.
 - iv. Child exploitation.
 - v. Vicarious sexual gratification.
 - vi. Child solicitation.
 - vii. Child seduction.
 - viii. Incest, if the victim is less than 18 years of age.
- h. Additionally, a DCS employee may be dismissed if he/she is or has ever been convicted of any other crime not otherwise stated in this policy. The level of offense and any rehabilitation that has occurred will be considered when determining if the employee will be dismissed.
- i. DCS reserves the right to run a CPS history check on any individual applying for employment, working as a contractor, or seeking volunteer opportunities. Additionally, DCS reserves the right to not hire, contract with or offer volunteer work to any individual who has a CPS perpetrator history.

IV. PROCEDURE

- a. To receive an offer of employment, an applicant must voluntarily sign an [Authorization to Release Information](#).
- b. The manager hiring the new employee must ensure that all required verification occurs. DCS Central Office human resources will coordinate all required background checks.
- c. The [Fair Credit Reporting Act \(FCRA\) Disclosure and Release Form](#) must be completed by the applicant prior to completion of a Credit History Check.
- d. If DCS proposes to deny employment or otherwise adversely affect an employee based on any information gained during in the Credit History Check, DCS must make adverse action disclosures, which include two steps:
 - i. Before the adverse action is taken, the applicant must be provided a [Pre-Adverse Action Disclosure Statement](#) that includes a copy of the credit report, and a copy of "Summary of your rights under the FCRA."
 - ii. After taking adverse action, the applicant must be provided an [Adverse Action Notice](#), which includes the name, address, and phone number of the Consumer Reporting Agency (CRA) supplying the report; a statement that the CRA did not make the decision to take the adverse action and is unable to provide the specific reasons why the adverse action was taken; and a notice that the applicant may dispute (with the CRA) the accuracy or completeness of the information, and has a right to an additional free credit report within sixty (60) days.

V. FORMS AND OTHER DOCUMENTS

- a. [Authorization to Release Information \(State Form 51334\)](#)
- b. [Fair Credit Reporting Act \(FCRA\) Disclosure and Release Form \(State Form 51333\)](#)
- c. [Pre-Adverse Action Disclosure Statement - SAMPLE](#)
- d. [Adverse Action Notice - SAMPLE](#)

DATE: 06/08/05

James W. Payne, Director
Department of Child Services

A signed copy is on file.